**Sexual Violence in the Eritrean National Service**

By

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 **Abstract 10722**

 Claims of sexual violence against female conscripts by military commanders abound in the Eritrean national service (ENS). Hitherto there has been no attempt to subject these claims to rigorous empirical scrutiny. This article is a partial attempt to fill the gap. Using data collected through snowball sampling from 190 deserters (51 females and 139 males) in the United Kingdom, Switzerland, Norway, South Africa, Kenya and Sweden, supplemented by data from systematically selected key informants, it examines the extent to which female conscripts serving in the ENS are subjected to sexual violence and harassment by their commanders. The extensive data based on the perceptions and experiences of respondents who served on average about six years before deserting; imply that sexual abuse is rampant in the ENS.

**Key words**: national service; warsai-yikealo development campaign; rape; sexual violence; conscription; liberation struggle; consent; sexual abuse of power

**Introduction**

The aims of the article are to present succinct descriptions of: the roles women played in the thirty years war of independence,1 the Eritrean national service (ENS), the initial public reactions to female conscription and the government’s response. After a brief note on the data-gathering methodology, the article concisely discusses the United Nations’ conceptualization of sexual violence as violation of women’s right to autonomy and integrity. Sexual violence signifies “sexual exploitation and sexual abuse. It refers to any act, attempt, or threat of a sexual nature that result, or is likely to result in, physical, psychological and emotional harm. Sexual violence is a form of gender-based violence.” (IRIN n.d.) Sexual violence, as the UN Department of Political and Social Affairs insightfully observes, is a ‘violation of an individual’s bodily integrity.’ (2010: 26) The article presents data on the risks of sexual violence and harassment, and female conscripts’ resistance and submission to such violence; deserters’ voices alleging the ubiquity of sexual violence and harassment; the dearth of state protection; and the different mechanisms commanders use to terrify female conscripts into acquiescence.

**Eritrean Women in the National Liberation Struggle**

During the war of independence (1961-1991), Eritrean women played a key role towards the goal of independence. Most observers, including the leadership of the Eritrean Liberation People’s Front (EPLF), state that independence would have been unachievable without their participation (see Isaias Afwerki 1999). During the liberation struggle, women represented 30-35 per cent of the fighting force of the EPLF (de Goys 1996: 2).2 The vital question of whether Eritrean women’s participation in the liberation struggle led to their post-independence emancipation is beyond the scope of the article: suffice it to say that this question cannot be examined in isolation from the roles they played during the war, how they experienced the war, the positions they held and the extent of their freedom to set their own agenda against sexism.

Eritrean women were mobilized ostensibly in the name of social change and gender equality, but the main purpose was to boost the fighting capability of the liberation army against Ethiopia. Thus, although in the conservative and patriarchal Eritrean polity, mobilization was liberating for most female combatants, it is naive to expect that women’s gains during the liberation struggle would automatically translate into progressive public policy after the shooting stopped. It is important, therefore, to guard against overstating the transformative effect of nationalism and wars of liberation. Cynthia Enloe among other feminist theorists has argued that when women are used in the military it is only “for the duration” and in roles defined as auxiliary (1988: 91). She further observes, “Changes in relations between women and men necessitated by the exigencies of nationalist warfare did not survive once the new nation-state was established.” (Enloe 1989: 55) Linda Grant De Pauw’s observation is spot on when she states, “During wars, women are ubiquitous and highly visible; when wars are over and the war songs are sung, women disappear.” (1998: 59) This has been the experience of all revolutions and liberation struggles. Most feminist theorists rightly argue that promises by leaders of national liberation movements since the 18th century of gender equality in the post-revolutionary states have invariably been betrayed regardless of the role women played during the war. This is true even of the American and the French revolutions. (see Kerber 1980; Dietz 1987; Rynolds 1987)

 A central aim of the ENS is to preserve and transmit national core values established during the war of liberation, including gender equality. Ostensibly by including women in the ENS, its architects wished women to be agents of social change, carrying forward the values of the liberation struggle. However, if the goal of the ENS is to inculcate the values of the liberation struggle, especially gender equality, why are the commanders of the ENS exclusively men? The exclusion of females from the command structure casts doubt on the post-independence government’s hyped ‘commitment’ to gender equality.

 Since the focus of the study is on sexual violence by commanding officers and trainers at the Sawa military camp in the ENS, a brief description of it follows. Sexual violence and harassment by male conscripts are beyond the scope of the article.

***The National Service and Warsai-Yikealo Development Campaign***

Although women fighters in the EPLF were not expected to provide sexual service to male fighters as was the case among some liberation movements in Africa (on the Zimbabwean and other experiences see Nhogo-Simbanegavi 1997), the old story that sexual abuse was unheard of in the EPLF is a myth. For example, in August 2002, I discussed the alleged problem of sexual violence perpetrated by military commanders (former combatants) in the ENS with Tsega, a veteran EPLF female fighter in Asmara. Not only did she confirm the allegation, but she also sought the explanation in the history of the EPLF. She said,

The same *bilshiwna* (decadence) [that existed in the EPLF] continues but now on a greater scale. Unless the sexist male attitudes are smashed, there will never be equality between men and women in our country. The men who abused us in the mieda (liberation struggle) are now abusing our daughters in the national service. The perpetrators are the same. (Femaleex-EPLF combatant, Asmara, August 2002)

This raises the disquieting possibility that the ENS may not only function as a conduit of progressive values from the liberation struggle, but also of corrupt practices of that time . It is borne out by the findings of the study. According to Article 8, Proc. No. 82/1995, on ENS, “…all Eritrean citizens from the age of 18 to 40 years have the compulsory duty of performing Active National Service.” The ENS consists of six months military training and twelve months “of active military service and development tasks in military forces for a total of 18 months.” The universality of the service is reflected in the absence of exemptions except for “fighters and armed peasants who prove to have spent all their time in the liberation struggle” (Art. 12), and “citizens who suffer from disability, such as invalidity, blindness and psychological derangement.” (Art. 14 (5)) Even conscientious objectors such as the Jehovah’s Witnesses are forcibly conscripted or risk indefinite incommunicado detention (AI 2004; UNHCR 2005). The first proclamation on ENS was enacted in 1991, but military training commenced in July 1994 (Debessai Gide 2004). The duration of the ENS is limited to 18 months, but after the border war against Ethiopia broke out in May 1998 and after the government introduced the WYDC in May 2002, the ENS has become open-ended. There has been no demobilization. On average, the respondents interviewed in this study have served for 5.8 years instead of 1.5 years.

 After six months training, conscripts are assigned to the ministry of defense, other ministries and departments. Of the 190 respondents interviewed, 64 per cent were assigned to the ministry of defense and subsequently joined the armed forces. 12 per cent were assigned to ministries and regional governments in accordance with their skills within the national service framework without remuneration. Lastly, 13 per cent who passed the higher education entrance exams were transferred to the only university in the country—University of Asmara. In 2006, the government closed the University and those who pass the matriculation examinations are transferred to militarized colleges around the country within the national service framework. The remainders are assigned to work for the firms of the ruling party, the People’s Front for Democracy and Justice (PFDJ) and elsewhere within the national service framework. Since 2003, all final year (12th grade) secondary school students are transferred to the Sawa military training camp in western Eritrea. This marked the militarization of education (see also Muller 2008; Tronvoll and Mekonnen 2014). In Sawa, 12th grade students become part of the military establishment and receive military and academic training simultaneously.

**Public Resentment of Women’s Conscription**

The most contentious aspect of the ENS has always been women’s participation. Many communities resisted female recruitment from the outset (Last 2002). Although ethno-linguistic groups differed in the level of resistance, all deeply resented this aspect of the program. When the first conscripts were about to be sent the Sawa military training camp, the President held a public meeting with 2,000 residents of Asmara. He was told by elders, “Some women do not want to leave their homes…” He said, “Whether they like it or not they will have to do so when they are called up.” (*Eritrea Profile* 1994*)* Public objection to women’s conscription persisted, but the government stood obdurate.

 The plea for Muslim women’s exemption on the grounds of faith was also rejected by the President who stated that the policy will apply equally to all women regardless of their religious affiliation. His justification was: “There cannot be different laws for different people in one country.” (*Ibid*.) The then minister of Local Government, Mahmoud Sherifo, also dismissed their appeal as a parochial idea espoused by those who either do not understand religion or want to use it for other ends. “These people,” he said “do not want women to be educated, work and be equal to men.” (1995) The then Minister of Defense, Sibhat Ephrem, also dismissed the objection as a petty pre-occupation. “We should not overstate secondary issues of women…which are practically insignificant when compared with our big national challenges.” (1995)

 Popular resistance to women’s participation intensified. The army rounded up thousands on the streets of Asmara in July 2002 in a highly aggressive manner, including expecting and lactating mothers before being screened at Adi Abeito village. A spontaneous mammoth gathering of mothers took place to protest. Such defiance was remarkable in a country where any form of protest is labeled as treason. The gathered mothers raised issues of the inappropriateness of the national service in peacetime; the endless postponement of demobilization wasting badly needed manpower in the trenches; and failure of the government to inform parents of the whereabouts of their loved ones after the carnage of the border war. However, they told the government representatives that they resented the manner in which the *giffa* (rounding up) was conducted, particularly the inclusion of women (Kibreab, Field notes, July 2002). This was because of their vulnerability to sexual violence, unwanted pregnancies and risks of HIV/AIDS infection which was on the rise.

The government ignored the outcry. The president’s rejection of “two different laws in one country” is inconsistent with other government policy. Immediately after independence, the government adopted the Ethiopian Civil Code, but repealed the sections that were manifestly discriminatory against women (Teame Beyene 1994). The aim was to promote formal gender equality. However, progressive changes did not apply to betrothals, marriages, divorces and associated rights and duties, succession, child custody and the like regulated under Sharia law.3 This suggests that Eritrean Muslim women are not entitled to gender equality. The government adopted the policy in recognition of Muslim beliefs and practices even though detrimental to Muslim women’s rights and contrary to the EPLF’s ideology .

 The Eritrean government also has a policy of affirmative action. 30 per cent of the seats in the defunct National Assembly4 are reserved for women (NUEW 2000). Both policies suggest that it is not wrong for government to exempt a given faith group from burdens incompatible with their religion. By the same token, policies of affirmative action can be adopted to redress historical injustice suffered by particular groups. As we shall see later, it is as women that female conscripts are vulnerable to sexual violence. However although the law ostensibly applies equally to all citizens, nearly all the deserters interviewed reported far fewer Muslim than Christian women in the ENS; more so in the conservative rural areas of the Gash Barka and Southern Red Sea regions, among the Beni Amer and the Afar, respectively. The government does not enforce the policy as rigorously in these areas for fear of provoking violent reaction. Amnesty International states “there was considerable resistance to female recruitment from Muslim communities, especially among the Afar of Dankalia region on the Red Sea coast.” (2004) The report further observes, “Resistance on the grounds of religious belief, cultural traditions of family honor, or protecting women from sexual harassment and violence in the army, sometimes led to violent confrontations during conscription round-ups. The government appears to have subsequently stopped forcible recruitment of young Muslim women in these areas.” (*Ibid*.).

**Rape and Sexual Violence as Human Rights Violation**

Gender-based violence is recognized by the United Nations as a “form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men.” (CEDAW, 11th Session 1992) Rape and sexual violence are framed by the United Nations as violation of women’s bodily integrity, agency and autonomy rather than violation of morality, public decency, honor, crime against the family and society (UN 2010: 26). There has been major advancement in the definition of sexual violence. The UN calls for the replacement of existing offences of rape and “indecent” assault with the broad offence of sexual assault graded on harm (*Ibid*.).The UN further calls for the elimination of any requirement that sexual assault be committed by force, and any requirement of proof of penetration. (*Ibid*.) The meaning of rape has shifted to the absence of genuine consent. Consent requires “unequivocal and voluntary agreement,” and proof by the alleged perpetrator of steps taken to ascertain whether the victim has consented (*Ibid*. 27; See also CEDAW quoted in AI 2011: 14) This shifts the burden of proof from the victim to the perpetrator. The rationale is to minimize the risk of secondary victimization of the victim in criminal proceedings. (*Ibid*. 26) The meaning of consent has evolved. The European Court of Human Rights observed: “The equality approach starts by examining not whether the woman said ‘no’, but whether she said ‘yes.’ Women do not walk around in a state of constant consent to sexual activity unless and until they say ‘no’, or offer resistance to anyone who targets them for sexual activity. The right to physical and sexual autonomy means that they have to affirmatively consent to sexual activity.”5 In institutions such as the military permeated by fear and intimidation and where macho culture prevails, sexual abuse of power is widespread. Consent cannot be easily refused without the risk of harm. A development already mentioned in the understanding of consent is the irrelevance of force or threat by a perpetrator and resistance by the victim in the proof of rape. The International Criminal Court (ICC) Rules of Procedure and Evidence state, “consent cannot be inferred by reason of the silence or lack of resistance by a victim to the alleged sexual violence.” (Rule 70(3) There are analysts, such as Stephen Schulhofer, who reject the reliance on the traditional concepts of force and consent elements by arguing that at the heart of sexual offence is the violation of sexual autonomy, that is, the impermissible interference without the concerned party’s sexual choices (in Buchhandler 2011: 1999).

Alan Wertheimer, however, argues that essentially, there is no difference between Schulhofer’s sexual autonomy and the consent model stating, “autonomy refers to the value that is protected, whereas consent refers to the means for protecting and promoting that value…” (2003: 31-32). Michal Buchhandler (2011) also argues that instead of enunciating what behavior constitutes force or coercion, one should focus on the circumstances that constitute exploitation of power. The best way to draw a clear boundary between legitimate sex and sexual abuse is by “focusing on the particular wrongdoing in rape—the exploitation element and by defining the types of sexual relationships in which submission is inducedthrough abuse of power.” (2011: 199) The potency of such a view in rape cases that occur within a military environment, such as the ENS is incontrovertible. Buchhandler further observes: “The essence of rape is sexual abuse of power, namely, a wrongdoer’s culpable exploitation of dominance, and conduct over a person in a subordinate position… Accordingly, rather than defining rape as engaging in nonconsensual sex, it would be defined as engaging in an act of sexual abuse of power, dominance, and control.” (200)

Since the 1990s, rape has been conceived as an abusive act or desire that interferes with a person’s right to exercise sexual agency rather than violence (Schulhofer in *Ibid*.). The International Criminal Tribunal of Rwanda (ICTR) and the International Criminal Tribunal of the former Yugoslavia (ICTY) in the 1990s and 2000s used two different criteria—coercion and non-consent—to establish culpability. In the case of Akayesu brought before the ICTR in 1998, coercion was used as a criteria.5 In Furundzija (1998: ICTY), consent rather than coercion was deemed necessary to establish culpability.6 In Kunarac (2001**),** the ICTY, decided that “sexual penetration will constitute rape if it is not truly voluntary or consensual on the part of the victim.”7 The decision was reversed by the Appeals Chamber on the grounds that it is safer to “presume non-consent” in cases where rape is connected to war, crimes against humanity or genocide.8 In Prosecutor v. Semanza (2003: ICTR), the Chamber held, “the mental element for rape as a crime against humanity is the intention to effect the prohibited sexual penetration with the knowledge that it occurs without the consent of the victim.”9 In Muhimana, the ICTR (2005), abandoned the notion of non-consent definition of rape by observing, “coercion is an element that may obviate the relevance of consent as an evidentiary factor in the crime of rape.”10 Although the ICTY and ICTR vacillated in their choice of criterion in the establishment of culpability in rape cases, the idea that a victim would be able to refuse consent in such situations is beyond the pale. The same is true in the ENS.

In the following section, the methodology used for data gathering is briefly presented. (for more detail see Kibreab 2013)

***Methodology of Data-Gathering***

The idea of random sampling was ruled out because there was no sampling frame for the total universe from which a representative sample could be drawn. Post-independence Eritrean refugees are scattered all over the world and are permanently on the move. In 2011, they lived in 85 countries.11 Therefore it was impossible to take a sample that reflected the population accurately. This article is written as part of an on-going research project, which examines the transformative effects of the ENS and the WYDC, as well as their impact on the economy, nation-building, national identity construction, and national unity and defense capability. The data are derived from diverse sources and methods, including structured and self-completed questionnaires in English and Tigrinya12 comprising open and closed-ended questions were administered to respondents selected by chain referral or snowball sampling. This was supplemented by unstructured personal interviews with systematically selected 25 key informants (9 females and 16 males) who deserted from the ENS after serving on average 6.5 years in the UK, Switzerland, Sweden, Norway, South Africa and Sudan between 2010 and 2014. Personal interviews were also conducted with ten ex-EPLF female combatants to gain some comparative insights concerning the treatment of female fighters during the liberation struggle and female conscripts in the ENS. These interviews took place in Eritrea between 1996 and September 2002 intermittently. The questions asked to the two groups were different as were the data I sought to elicit.

The chain referral method was used in 2012 to select 190 respondents in the said countries. The countries were selected for convenience. Although the data derived from the structured questionnaire are important, the other qualitative methods of data gathering resulted in a vast amount of useful data, which inform the arguments in the article and in the project. Initially, I was concerned that the sample would be weighted towards opponents of the ENS, given that it was drawn from refugees likely to oppose the Eritrean government. Contrary to expectation, the deserters do not speak with a single voice, and the pro-government group was equally determined to be heard. On balance, the respondents were drawn from different spectrums of political views. All the names of the people I have interviewed for this study are changed to insure anonymity. Whenever this was deemed inadequate, even their characteristics have been altered. Muslim, Christian, female and male names indicate the religious and sex background of interviewees.

***Submission to Sexual Violence and Resistance***

Evidence suggests that the military is institutionally patriarchal and sexist. According to an article in *The New York Times*, In US, ‘There were 3,553 sexual assault complaints reported to the Defense Department in the first three quarters of the fiscal year, from October 2012 through June, a nearly 50% increase over the same period a year earlier. Defence Department officials said the numbers had continued to rise.’ (Steinhauer 2013) An eight-year female veteran of the US National Guard stated, ‘I joined the military to defend my country, not my integrity and self-worth.’13 Sexual abuse seems equally rife in the British military.14

If female soldiers can be assaulted in the context of liberal democracies where there are media scrutiny and institutional constraints, albeit limited on the pretext of ‘national security,’ how vulnerable are female soldiers and conscripts likely to be to sexual violence in the ENS where there is absolute dearth of accountability? (See AI 2004; Human Rights Watch 2009) Although the ENS is established in accordance with the 1995 proclamation, it is implemented in an institutional vacuum. There are no regulations or guidelines that: (i) define and limit the powers of military commanders; (ii) forbid sexual misconduct of commanders against conscripts, i.e. no measures put into place to check such tendencies; (iii) establish home or annual leave; (iv) prescribe punishment, such as how much can be inflicted and for what kinds of behavior; (v) establish appeal procedures and remedies against sexual and other abuses of power; (vi) control allocation and use of conscripts’ labor time; (vii) determine criteria for assignment of conscripts after six military training; and (viii) ban collusion to obscure such practices. These are all at the discretion of commanders and as we shall see later, abuses that permeate the ENS, including sexual victimization of female conscripts, exploitation of conscripts’ labor power for personal gain, and infliction of inhumane punishments are the consequence of this dearth of clearly defined enforceable constraints. The absence of regulation and monitoring gives the military commanders unlimited, unaccountable power and impunity. The majority of the women who face a high risk of sexual violence are those assigned to work in the Sawa military camp after their training, mainly as *megebti* (cooks, cleaners and launders), secretaries, personal assistants of commanders and office workers. However, as we shall see in the section on the findings, there is ample evidence to show that not only are female conscripts discriminated, but are also subjected to sexual violence. Given the unlimited power and authority of the army commanders, and their unconstrained ability to harm victims under their command, the use of force may not be necessary to achieve ‘consent.’ A threat of punishment or assignment to hardship places or frontline combat engenders apparent acquiescence.

 Although none of the respondents denied the prevalence of sexual encounters between commanders and female conscripts, some assumed that these relationships were consensual. This is due to reluctance to expose individual women to shame. In Eritrean tradition, female promiscuity or being raped is equally shameful. In fact, survivors of sexual violence are more stigmatized than promiscuous women. Nevertheless, a closer scrutiny of the sexual encounters between female conscripts and military commanders shows that rather than representing voluntary and mutually reached agreements, they are unwanted sexual acts obtained by fear, intimidation, coercive pressure and sexual abuse of power. The unaccountable power of commanders and the widespread practice of torture and sexual abuse in complete absence of state protection are enough to terrify young female conscripts who have never before lived outside of shielded familial environments. In some cases, the mere threat of violence and harsh punishment precipitate submission to sexual violence. Consent obtained under such circumstances is not genuine (see ICTR and ICTY above).

 According to the informants, abusive officers apply various methods to force female conscripts to respond positively to sexual demands. Those who refuse to comply are assigned to dangerous tasks, or sent to places of hardship, or face psychological bullying and physical punishment. Most interviewees reported that these practices were common. Although most women considered ‘beautiful’ by the predators are faced with a conundrum or ‘catch 22’ situation, it may be wrong to see all female conscripts as devoid of agency and choice. Although not many, there are women in the ENS who with honor and dignity defy the pressures by accepting potentially dangerous assignments, such as being sent to the warfront or subjected to gruesome punishments, such as the ‘helicopter,’15 ‘otto,’16 ‘goma,’17 ‘Jesus Christ,’18 beating, detention in shipping containers or underground cells, exposure to extreme heat, denial of home leave, etc. Human Rights Watch reported, “As one female recruit who served as a conscript for 10 years explained, first you do your military training then they hold you forever without your rights. The military leaders can ask you for anything and if you refuse their demands then you can be punished. Almost every woman in the military experiences this kind of problem.”

The report further states,

 The woman …recalls that one commander tied her in the sun for hours and then forced her to work without break as punishment for refusing to have sex with him. Other conscripts were punished by being held in metal shipping containers. The conditions were cruel, they beat you with a flex, a wire, they beat everyone, every night. They want to make us afraid... *Although prisoners were held in the containers for various reasons, resistance to sexual advances was typical among them*. ―One female soldier was held with 14 other women for 24 hours a day, some of whom had refused to have sexual relations with their commanding officers. The only time they were allowed outside was to go to the toilet, “They can hold them there as long as they want, there‘s no fixed time,” she said. (2009: 38; see also UNHCR 2009: 18-19).

Bisrat Habte Micael, a woman whose conscription began in 1996, said

 … my superior wanted to prevent me from [taking leave]. He wanted me to cook for him and to be his puppet. I refused that. So I didn‘t get any holidays, and was sent to the front line instead… Those girls who refused to play the housewife had to stand on guard service for 3-4 hours at night as a form of punishment. Those young men who wanted to help them were punished too – they were ordered to stand at attention in the sun for an entire day. (War Resisters International 2005)

These were dignified women endowed with agencial power, who defied and frustrated the sexual advances of their commanders at the risk of being treated inhumanely.

 In an extensive interview, Asmeret, an educated female conscript who served in the ENS for more than ten years stated, “There were some tough city-girls who looked down upon the commanders whom they derogatorily labeled as *hegereseb* (pejoratively peasants)—rough and lacking any semblance of modern values and sophistication.” (Interview, Khartoum, 2 Nov. 2010). When I asked her how such female conscripts would react to sexual advances, she said, “It depends. A few may compromise their honor for an easy life, but the majority would put stiff resistance regardless of the consequences. Most of these women seemed to have had rich experience in their pre-conscription lives and their defiance to some of us was beyond belief.” (*Ibid*.)To demonstrate this, she recounted an incident that occurred in her platoon. She said,

Our commander targeted the prettiest, but also the most confident and assertive female conscript in our platoon. After she frustrated his incessant covert but to some of us visible advances, he openly harassed her and subjected her to verbal abuses and corporal punishments under the pretext of different concocted accusations. She stood up to the challenge with dignity and without flinching an inch from her principled stand.

She further said, “A few brave boys in the group tried to defend the girl and suffered as a result.” She continued, “One day, when she was at the end of her tether, in an outburst of extreme anger she told him loudly,

You are punishing me for no other reason, but for defying your demand to sleep with you. *You know what? I joined the national service to serve my country and people not to become your sex slave. I prefer to kill myself to having sex with you against my will. Kill me if you like, but whatever you do will not break my dignity and willpower. I prefer honourable death to being sexually violated by you. You have already violated my physical integrity by subjecting me to vindictive punishments, but I will not allow you to go beyond that as long as I am alive’* (emphasis added).

The informant continued, “Although they were aware of the ominous consequences, some in our group hailed and celebrated her valor by clapping their hands.” (*Ibid*.) I asked her, “How did he react to the embarrassing situation?” She said, “He never expected a conscript and a female one, as such, to confront him defiantly. Nothing could have prepared him for it and suddenly, he was shocked and froze like a mouse soaked in water (*ab may ziatewet antchwa*” (Tigrinya saying). He was in a sudden grip of paralysis and “Instead of punishing those who applauded her gallantry, he tried to defuse the situation by dismissing her reaction as being ‘excessive attention seeking.’” Although she did not know the reason, the informant said, “that was the last time we saw him. His position was filled by another commander who was equally vicious but less overtly sexual predator.” (*Ibid*.)

 What these data show is on the one hand, the dearth of state protection against sexual violence and the ability of some commanders to act with absolute impunity and on the other, the indomitable agencial power of a few female conscripts, who defy the danger of sexual slavery without fear of punishment and intimidation. In the absence of such bravery, they would have fallen easy prey to sexual violence. Nevertheless, not all female conscripts are able to resist victimization. Instead to avoid the scourge of being subjected to unwanted sex, many resort to early and unaffectionate marriages with male conscripts who are unable to support families or with older men unaffected by the ENS. Many also use premature pregnancies as an escape route from the never-ending ENS.

The risk of being sexually molested in the army also has severe health implications. Although there is no scientific evidence that attributes the spread of HIV/AIDS to militarization, many people interviewed in the country saw the ENS, and the promiscuity and abuse that accompany it, as the vehicle through which the transmission of the lethal virus is accelerated. This is even confirmed by government statistics in which data gathered since 1997 showed that in 2002, 4.6 per cent of men and women in the army were HIV-positive in comparison with 3 per cent in the general population (IRIN 2002). In 1996, HIV/AIDS was said to be the 10th highest killer in Eritrean hospitals. By 2001, it was the second cause of death among patients over five years of age (*Ibid*). According to the 2010 progress report, there were about 47,880 individuals of all ages and gender living with the infection (Ministry of Health 2011). It is interesting to note, however, that “The peak age for AIDS related infections is 29-34 for men and 20-29 for women.” (Ministry of Health 2011) Nearly all men and most women within this age group are under conscription.

In the following section, deserters’ and key informants’ perceptions and testimonies regarding the preponderance of sexual violence in the ENS are presented.

***Deserters’ Perceptions on Prevalence of Sexual Violence in the ENS/WYDC***

In an extensive survey covering 190 former conscripts residing in the UK, Switzerland, Norway, Sweden, South Africa and Kenya, the respondents were asked the following question: ‘There are rumors about rape and sexual abuse against women. Do you think that commanders sexually abuse women? The majority, i.e. 88 per cent acknowledged the prevalence of sexual violence, but 12 per cent denied fervently. (see the findings below) Given the contestation in the testimonies of the former conscripts, an attempt is made to present both views verbatim. First, the views of the minority who deny the prevalence of sexual violence are presented, followed by the counter views.

 R#003 (female [F]) said, “It [sexual abuse] is unheard of. Perhaps after they are assigned to the units, a few may befriend themselves and fall in love with some of the commanders and consequently go out with them. There is no possibility for abuse at Sawa.” In this respondent’s view, if sexual encounters ever occur between female conscripts and military commanders, it is likely to be after the six months military training and it is consensual rather than forced. Another female respondent said, “Sexual abuse is inconceivable at Sawa. There is rigorous discipline. At least this was the case when I was there” (R#068). Another female respondent said, “Unless one consents, I don’t believe there is unwanted sexual relations.” (R#79) R#81 (F) also concurred saying, “There is no sexual abuse.” R#126 (male [M]) said, “I saw no abuse at all.” Some of the respondents categorically denied that female conscripts were subjected to sexual violence at Sawa at the time they were there. A male respondent, for example said, “It is a lie. There is no forcible sexual relationship. At the time I was in the ENS, sexual relations were based on mutual consent.” (R#128) Another male respondent agreed and stated, “There is no sexual abuse at all. No sexual relationship is possible unless the woman concerned wants to have such a relationship.” (R#129) Another female observed, “I never witnessed such a thing and therefore cannot say it is true.” (R#145) R#167 (M) also said, “The rumors are confused. Outside Sawa, sexual abuse is possible but not in Sawa during the six months military training. In our time, there was rigorous discipline and the measures against abuse would have been severe.” Another male respondent said, “I don’t believe women can forcibly enter into sexual relationship against their will.” (R#169)

It is important to note that such perceptions overlook the subtle abuse of power that can exist in hierarchical settings such as the military which can easily induce subordinate and vulnerable female conscripts to submit to coerced unwanted sexual acts. As mentioned before, in the ENS, there is no need for military commanders to subject such vulnerable women to life-threatening force or violence to engender apparent acquiescence. The views also show the extent to which the respondents do not speak with a single voice concerning the prevalence of sexual violence in the ENS. For example, a male respondent who stayed at Sawa for more than a decade after he finished six months of military training to train new conscripts said, **“**I worked in Sawa for many years as a trainer and I never heard anything like that. It is inconceivable for a woman to have sex without her will at Sawa military training.” (R#122) It is worth noting that the military trainers are said to be among the main sexual violators.

 Not only did some respondents deny the prevalence of sexual abuse in the national service, especially during the six months military training at Sawa, but also they go beyond and claim that the allegation of sexual violence is used by the enemies of the government as a means of discrediting the ENS. One of the respondents, for example, said, “The rumors about widespread rape and sexual abuse are politically motivated. There is rigorous discipline at Sawa during the six months.” (R#165 [M] see also R#189 [M]) A female respondent said, “No sexual abuse exists at Sawa” and continued, “The reason people claim there is sexual abuse is because they want to use this as weapon of criticism of the government and the national service.” (R#166) R#23 [M] said, “Only rumours intended to damage the reputation of the national service—(*tseleme*).” R#25 [M] said, “There is a campaign of denigration against the national service.” R#90 [M] added, ‘There is no abuse. It is probably people who have a political agenda who spread such rumors in order to defame the service.” Another female respondent said, “I think the people who fabricate the existence of sexual abuse are the ones who have political motives and those who are against the ENS.” (R#91).

 A number of respondents argued that the sexual violence that allegedly pervades the ENS is a deliberately concocted discourse to delegitimize it and to discredit the Eritrean Defense Forces. (R#121 [M] said, “It is people with ulterior motives who spread such rumors. Nobody dares to touch a woman unless she wants to. The national service is based on law and order.” R#144 [M] even blamed the Ethiopian government stating, “There is no sexual abuse. The reason there are such rumors is perhaps because of Woyane propaganda.” Another respondent said, “It is not true. It is propaganda.” The term propaganda as used here refers to disinformation intended to delegitimize or discredit the institution of national service. However, the overwhelming majority of the respondents said that female conscripts are subjected to sexual violence at Sawa military camp and elsewhere within the ENS. The respondents were asked in open-ended questions to explain the conditions under which sexual violence occurs. These are presented in what follows.

***Coercion, Sexual Abuse of Power, Intimidation and Pressure***

Two female conscripts, namely, Elsa and Lula, told an Italian journalist, Rini, “Every day**,** at the sunset, the male officers used to enter bossily inside our tents to choose one of us in order to spend the night with her. These officers, although duly married, considered it normal to go to bed every night with a different female soldier. Very soon I got pregnant and as a result I was immediately sent back home.” (Cited in Rini 2002). Some of the respondents attributed the alleged prevalence of sexual violence to unequal power relations between the commanders and conscripts in general and female conscripts in particular in the context of absolute dearth of accountability. This is exacerbated by lack of state protection against sexual violence. For example, R#49 [M] said, “The conscripts are forced to do whatever their commander orders them to do. The power of the commander is absolute and as a result, nothing can stop him from doing whatever he wants, including raping or sexually abusing female conscripts.” Commanders also use different forms of threats. For example, R#60 [M] said, the commanders “threaten women saying ‘unless you have sex with me, you will be sent to the frontline.’” For inexperienced young woman who lived in a shielded environment, the threat of being sent to frontline combat may send a shiver down her spine and as a result, she may succumb to avoid such assignment, which may potentially lead to death or physical and psychological harm. The commanders use female conscripts’ fear and vulnerability to their advantage.

 This view was shared by R# 66 [F] who stated, “the commanders threaten women that they would be sent to the warfront unless they obey orders, including having sex with them.” In another female respondent’s view, “It is up to the commander if he wants her and if she refuses, he has the power to send her to the war zone.” R#071 Some commanders blackmail women by denying them home leave. Home leave is not regulated. It is given or denied arbitrarily. As one male respondent said, “the reason a woman may be forced to have unwanted sex with her commander is due to pressure to go on home leave.” The respondent further said, “Women do not report such [sexual] violations.” (R#131) When looked at in the context of Eritrean cultures, most women are unlikely to admit that they have been violated. This is due to fear of being stigmatized, fear of bringing ‘shame’ and ‘dishonor’ to her family and concern over loss of reputation that may prejudicially affect the prospects of finding a future husband. Fear of repercussions from the perpetrator and fear of forcibly being married to the abuser may keep her quiet. Given the sexist attitude of the police, fear of not being believed is also a major factor. The commanders are aware of this dark culture of silence and exploit it to their advantage. It is an irony that the abused rather than the abusers are preoccupied with the potential loss of honor and reputation.

 There is a severe punishment regime in the national service meted out arbitrarily by military commanders under different excuses without any supervision or regulation. In the course of researching, I have interviewed many deserters and servers abroad and in Eritrea, respectively who dreaded the cruel and inhuman punishment regime pervading the ENS. Punishment is used in the national service mainly to: instill blind obedience, discipline, fear of authority, break the will of conscripts and more importantly to deter others from ‘misbehaving.’ Punishment is also used as a means of intimidating female conscripts to submission to sexual violence. In general, the rationale of the punishment regime in the ENS is similar to how Friedrich von der Decken justified the need for a gruesome punishment regime during the French Revolution. He said, punishment is necessary to: “Make the soldiers used to the rudest and most arduous labors, to break their will, to make them obey in a lavish manner, and to transform the unruly people into machines that come to life only through the voice of their officers.” (Decken 1800 quoted in Hippler 2006: 137)

In the ENS, the degree of fear and trepidation was evidently more severe among the young women I interviewed in the course of researching. Many interviewees—men and women—said that the commanders invoke the threat of punishment to manipulate female conscripts to submit to their sexual demands. For example, R#149 [M] said, “Yes, they [female conscripts] are scared of being punished. There is no law.” The corollary is because there is no law that provides protection against sexual abuse of power and unjustified imposition of punishment, female conscripts’ ability to reject demands made by their commanders is very limited or even non-existent. Another male respondent said, “Yes women are subjected to sexual abuse because those who have power in Eritrea are able to do anything they want with impunity and without accountability.” (R#151) The practice of severe punishment and threats of being sent to the frontline as a means of intimidating women into submission to sexual violence is invoked by different respondents. R#171 [M] said, “They intimidate them by saying ‘either do as you are told or you will be sent to the war front.’” R#113 [F] said that the commanders sexually exploit female conscripts by “blackmailing them.” She further said, “Yes, it is true. Those in power abuse it [power] and life for women is too hard.” This respondent being a female may be speaking based on her own personal experience.

 A female respondent said, “It is up to the commander if he wants her and if she refuses, he has the power to send her to the war zone. If she says ‘yes,’ she will be in a good place’ (R#71). R#65 [M] stated, “I have witnessed heavy pressure being brought to bear on women.” This indicates the commanders use ‘stick and carrot,’ i.e. rewards and punishments to engender submissive behavior or to break female conscripts’ agency and consequently resistance to being sexually abused.

**The Findings**

The findings on the prevalence of sexual violence in the ENS are presented below. Zekarias who deserted in 2013 and who worked as a prison guard until 2007 in Brigade Six Prison at Sawa military camp said that ten female conscripts were transferred to join his team from the frontline. He said, “The platoon leader slept with ten of them in turns even though each of them knew he did the same with the rest.” (Interview, London, 15 July 2014) When asked whether the commander used force to coerce them into submission, he said, “No, there was no direct force involved. It was enough for him to threaten each of them separately that if she did not meet his sexual demand, she would be sent back to the frontline where not only is life unnerving, but also filled with risks of scorpion and snakebites, as well as death and injury. They were terrified of being sent back and made their bodies available to him.”

 Rigbe, a former female student at the Warsai final year secondary school at Sawa and a graduate from the Mai Nefhi Institute told the author that male and female students are not allowed to meet outside class. However, if a soldier wants to meet with a female student, he seeks permission from the platoon leader and the latter calls the girl to his house where he leaves them on their own. When I asked her how long the soldier can stay with the female student at the platoon leader’s residence, she said, “There is no limit.” (Interview, London, 13 April 2014) She also pointed out that if a female student who is under military discipline receives an order she complies. The consequence of defying such an order can be severe.

Zubeida, a female key informant recounted, “I know of an extremely beautiful young woman who was preyed upon by an abusive commander …at Sawa. He invited her to his house in the evening and asked her to make coffee. Soon after, he made menacing advances towards her and she resisted vehemently, but to no avail. He forced himself on her. After the incident, she fell seriously ill and the lower part of her body was paralyzed. She was sent home to her parents as a result.” (Interview, Uppsala, 16 Sept. 2014) The informant said, “She could not tell her parents what had happened and after she recuperated, they sent her back to Sawa where the same predator carried on preying on her.” She further said, “The sexual abuse continued unabated until she successfully fled the country... She travelled through the Sahara desert to Libya and crossed the Mediterranean Sea in a decrepit boat and reached Italy and from there to an EU country” where the informant met her.

 Abeba, a female student at the Warsai School, met her father’s friend who was a commander there. She got close to him in search of security and protection. Fully aware of her vulnerability, he invited her to his home in the camp. He offered her a glass of whisky, which caught her unaware, and she said, “But you know that I am a child. How can I drink alcohol?” She told the key informant (Interview, Uppsala, 15 Sept. 2014), “He raped me violently and I became deeply traumatized.” The commander was worried that she would tell her father and tried to treat her nicely, but his presence reignited the traumatic experience. She applied for home leave, which petrified him. To pre-empt the danger of being exposed, he sent a group of his soldier colleagues to gang rape her. Victims of rape are stigmatized in Eritrea. They become not only unmarriageable, but they are also said to bring shame and dishonor to their families. After such a harrowing and humiliating experience, the perpetrator knew perfectly well that the ‘indignity’ of being gang-raped would gag her forever. He was right.

 It is not only key informants who report the pervasiveness of sexual abuse in the ENS. Among the 190 deserters included in the survey, only 12 per cent denied sexual abuse occurs. In view of this group’s vehement denial, the author dug into the qualitative dataset to examine if there are discernible patterns. Among the 12 per cent of the total who denied sexual abuse exists, 70 per cent and 30 per cent are male and female respectively, 22 per cent, 48 per cent and 30 per cent are in the age range of 26-30, 31-35 and 36-40 years old, respectively. Although seven per cent of the total number of respondents in the survey were 25 years and under, none of this category denied prevalence of sexual abuse in the ENS. This may indicate the level of abuse is more widespread among younger conscripts. Among those who denied, 4 per cent, 13 per cent, 73 per cent and 7 per cent are from the Saho, Tigre, Tigrinya and Bilen ethnic group, respectively. The Tigrinya speakers are the large majority in the ENS as well as among victims of sexual violence. The latter are nearly exclusively Tigrinya speaking. The average number of years the group spent in the ENS is five years, i.e. a year less than the general average. With the exception of two, 21 left Eritrea between 2004 and 2010.

 Although 88 per cent of the respondents and 100 per cent of the key informants acknowledge the rifeness of sexual abuse, the 12 per cent deny this categorically. It is interesting to look at the their narratives to see whether there is a discernible pattern in the answers to the 117 questions. One unmistakable pattern is that not only are they excessively positive about every aspect of the ENS and the government, but they also use identical terminologies in their denial of sexual violence, such as ‘enemy propaganda,’ ‘defamation,’ ‘weapon to attack and criticize the government.’ A closer scrutiny of the qualitative data indicate that these individuals are either pro-government or are members of the youth organization, the YPFDJ.

The recently released comprehensive report by the UN Commission of Inquiry of Human Right in Eritrea (2015) meticulously documents a catalogue of sexual violence that permeate the ENS. For lack of space, no attempt is made to refer to the findings, but the following may indicate the gravity of the situation. It is stated,

The Commission has received a large number of testimonies and submissions relating to the rape and sexual abuse of young women conscripts in military training centers. Despite the large number of testimonies reporting sexual violence within military training, the Commission considers that it may have only partially uncovered the full extent of the sexual violence suffered by women and girls in military training…

It is further stated that the Commission was told, “*Over 70 per cent of the girls were violated like that. Students are not allowed to go to the officers’ rooms, but sometimes the officers ask them to come to their house. The girls cannot say no because they know what will happen in training if they say No. When they enter the room, the officers tell them to take off their clothes and they abuse them. The girls do not report it’* (emphasis in original).

**Conclusion**

The problem of establishing pervasiveness of sexual violence in a social context where victims for variety of reasons, including lack of state protection, are unwilling to report or admit their victimization is fraught with methodological complexity. It is further complicated by the fact that the act of sexual violence usually takes place in private. Social stigma attached to victims of rape and sexual abuse further presents daunting methodological complexity. The findings of the study indisputably show that female servers are subjected to sexual violence, although it is important to guard against the assumption that all those who are sexually harassed end up being molested by their commanders. Different female conscripts depending on their willpower, experience, physical fitness, level of education and other personal resource respond differently to sexual harassment and threats of sexual violence. Some put up stiff resistance against the indignity of violation by accepting gruesome punishments and deprivation of home leave. A number of female conscripts said, ‘No’ regardless of the consequences. These few stories signify that there must be many other untold heroic narratives of resistance and defiance of female conscripts to threats posed by male commanders. The absolute dearth of accountability and state protection enable some military commanders to treat all conscripts, especially females, with contempt and without any fear of consequences.

 The other side of these stories is that there are many female conscripts less endowed with willpower or agency who become victims of sexual predation in silence. The story of the daring women who defy the sexual threats of the commanders also show that if female conscripts openly challenge and expose abusive commanders, discounting the potential dangers, the authorities may be forced to intervene as a face saving measure by removing or transferring the commander in question. However, the latter hardly ever happens. The tendency is rather to punish the women who defy the orders of the commanders under the pretext of military discipline and deterrence

 Although there is evidence of enormous pressure being brought to bear on women to engage in unwanted sexual activities with their commanders, none of the respondents said that they had personally been subjected to sexual abuse. Many testified having witnessed pressure on many female conscripts and the imposition of severe punishments on those who refused to succumb. Many of the respondents also saw an inextricable nexus between assignment on the basis of looks and the risk of rape and sexual abuse.

 The findings also indicate that commanders use different mechanisms, such as threats of severe punishment and transfer to warfronts where the risks of death, injury, hunger and thirst are high. A number of interviewees reported that there are female conscripts who meet the sexual demands of commanders to avoid greater harm. Deprivation of home leave is another mechanism which commanders use to coerce female conscripts into submission to sexual violence. Evidence suggests that the ENS has been a vehicle of promiscuity of Eritrean society. Some key informants saw this as being an integral part of the PFDJ’s (the ruling party’s) project of ostensible modernization and transformation of Eritrean society.

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**Notes**

1 Before its independence in May 1993, Eritrea fought thirty years (1961-1991) war of independence against Ethiopia.

2 Although it may be true that up to 35 per cent of the EPLF combatants were women, this does not mean that all participated in frontline combat.

3 See Chapters 2 and 3 Eritrean Transitional Laws, *Negarit Gazette Eritrea*, Vol. 1, No. 1/1991, September 15 (published by the Provisional Government of Eritrea).

4 Many members of the Eritrean Assembly are incommunicado detention and in exile. An unknown number are also frozen (suspended).

5 Submission of Interrights to the European Court of Human Rights in the Case of M.C. v Bulgaria, 12 April 2003 quoted in Amnesty International Documents-Rape and Sexual Violence: Human Rights Law and Standards in the International Criminal Court. Available at <http://www.amnesty.org/en/library/asset/IOR53/001/2011/en/e9e2dea0-f74f-46b5-8376-f30c32a0b3b6/ior530012011en.html>

6 The Prosecutor v Jean-Paul Akayesu case No. ICTR-96-4-T

7 Prosecutor v. Anto Furund’lja case No. ICTY- Case No.: IT-95-17/1-T, 10 Dec. 1998

8 Prosecutor v. Dragoljub Kunarac Radomir Kovac and Zoran Vukovic -Case No.: IT-96-23-T& IT-96-23/1-T, 22 Feb. 2001. Available at <http://www.icty.org/x/cases/kunarac/tjug/en/kun-tj010222e.pdf>

9 Prosecutor v. Dragoljub Kunarac Radomir Kovac and Zoran Vukovic-Case No.: IT-96-23& IT-96-23/1-A, 12 June 2002

10 Laurent Semanza v. The Prosecutor- Case No. ICTR-97-20-A, 20 May 2005. Available at http://www.unictr.org/sites/unictr.org/files/case-documents/ictr-97-20/appeals-chamber-judgements/en/050520.pdf

11 The Prosecutor v. Mikaeli Muhimana-- *Case No. ICTR- 95-1B-T,* 28 Apr. 2005

12 UNHCR , [www.unhcr.org/statistics](http://www.unhcr.org/statistics)

13 An Arabic translation was abandoned because all NS participants were fluent in Tigrinya or English.

14 Abby Hiser quoted in Veterans Decry Institutional Sexism in Military, 16 March 2008. Available at <http://www.alternet.org/story/79877/veterans_decry_institutional_sexism_in_military> (accessed 07 Feb. 14)

15 See Soldiers guilty of sexual offence kept on by British Army, 02 May 2013. Available at: <http://www.channel4.com/news/soldiers-guilty-of-sexual-offences-kept-on-by-british-army> (accessed 5 March 14); Joe Glenton, Rape and sexual assaults in the military need more than 'kangaroo court' justice, 03 March 2014. Available at <http://www.theguardian.com/global/2014/mar/03/rape-sexual-assault-military-kangaroo-court-justice?CMP=twt_gu> (accessed 5 March14)

16 In which the hands and the feet of the victim are tied behind the back and he/she is put face down and left outside in the hot sun.

17 In which hands are tied together behind the back and the victim is left to lie on her or his stomach outside in the hot sun.

18 The victim is forced to double up inside a tire for long periods of time

19 The victim is tied with rope to a tree which conscripts refer to as a “cross” and then left to hang, and sometimes beaten.